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OFFICE OF PETITIONS

In re Application of	:	
Patrice Flaherty	:	
Application No. 10/630,402	:	DECISION ON PETITION
Filed: July 30, 2003	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1066	:	37 C.F.R. § 1.102(d)
	:	

This is a decision on the petition under 37 CFR 1.102(d), filed on August 19, 2005, to make the above-identified application special based on developing treatments and cures for HIV/AIDS or cancer as set forth in M.P.E.P. § 708.02, Section X.

The petition is **DISMISSED**.

In support of the petition, petition provides a statement by the attorney registered to practice stating that the use of the invention allows improved technique for collecting blood from and administering medical fluids to a patient.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section X: Inventions Relating to HIV/AIDS or cancer, must be accompanied by (1) the petition fee under 37 CFR 1.17(h); and (2) a satisfactory statement explaining how the invention contributes to the diagnosis, treatment or prevention of HIV/AIDS or cancer.

Advanced prosecution under section X is a commitment by the Office to devote extra resources to expedite the examination of inventions related to promising technology, and is reserved for inventions that directly contribute to the diagnosis, treatment, or prevention of HIV/AIDS or cancer. Inventions having only a tangential relationship to the HIV/AIDS or cancer will not, in order preserve the limited resources of the Office, be treated as special.

Neither the claims nor the specification of the instant application mention the phrases "HIV/AIDS" or "cancer." Nor is the invention focused on improvements for only those areas. Rather, the invention is directed towards improvements in technology for collecting blood devices. The invention is not, therefore, considered to be in the specific field of HIV/AIDS or cancer. Although improvements in generic blood collecting may provide a benefit, any relation to specific advances in the fields of HIV/AIDS and cancer is considered to be a tangential rather than a direct or material result of the invention.

Further correspondence with respect to this matter should be addressed as follows:

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(571) 273-8300

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3736 for action in its regular turn.



Amelia Au
Petitions Examiner
Office of Petitions